

Claims 115-175 find support in the claims as originally filed and throughout the specification. Particularly, support for claim 115 and depending claims 116-121 can be found, for example, on page 6, lines 5-6, page 9, first full paragraph, page 30, and pages 40-41. Support for independent claims 122 and 149 and the depending claims can be found, for example, at page 4, second full paragraph, page 10 second full paragraph, page 11, first full paragraph, at page 12, first full paragraph and page 30. Thus, no new matter has been entered by way of the amendment.

Provisional Non-statutory Double Patenting

The Examiner provisionally rejected claims 108 and 111-112 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 08/196,362 (SEQ ID NO: 7788 and 7775), 08/346,731 (SEQ ID NO: 552), 08/420,856 (SEQ ID NO: 552), 08/221,623 (SEQ ID NO: 114), and 08/276,163 (SEQ ID NO: 15161).

Applicants respectfully disagree. Applicants have canceled claims 108 and 111-112. Accordingly, the basis of this rejection under the judicially created doctrine of obviousness-type double patenting has been overcome or obviated and the rejection should be withdrawn.

Applicants have added new claims which encompass nucleic acids comprising 30 or 50 contiguous nucleotides and request that any provisional obviousness-type double patenting rejection be held in abeyance until indication of allowable subject matter. Additionally, Applicants take this opportunity to advise the Examiner that, upon indication of allowable subject matter in the instant application, Applicants will cancel all text in the above listed co-pending specifications relating to the above listed species, and cancel all sequence listings relating to the above listed species.

Rejections Under 35 U.S.C. § 102

The Examiner provisionally rejected claims 108 and 111-112 under 35 U.S.C. § 102 (e) as being anticipated by copending Application No. 08/196,362 (SEQ ID NO: 7788 and

7775), 08/346,731 (SEQ ID NO: 552), 08/420,856 (SEQ ID NO: 552), 08/221,623 (SEQ ID NO: 114), and 08/276,163 (SEQ ID NO: 15161).

Applicants respectfully traverse the rejection. Applicants have canceled claims 108 and 111-112. Accordingly, the basis of this rejection under the 35 U.S.C. § 102(e) has been overcome or obviated and the rejection should be withdrawn.

Applicants have added several new claims which encompass nucleic acids comprising 30 or 50 contiguous nucleotides and 50 contiguous amino acids and request that the provisional 102(e) rejection be held in abeyance until indication of allowable subject matter. Additionally, Applicants take this opportunity to advise the Examiner that, upon indication of allowable subject matter in the instant application, Applicants will cancel all text in the above listed co-pending specifications relating to the above listed species, and cancel all sequence listings relating to the above listed species.

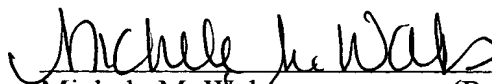
Conclusion

In view of the foregoing remarks, Applicants believe they have fully addressed the Examiner's concerns and that this application is now in condition for allowance. An early notice to that effect is urged. A request is made to the Examiner to call the undersigned at the phone number provided below if any further action by Applicants would expedite allowance of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: 3/27/00



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Enclosures
MW/CCB/